

Exhibit A

1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS E. BLACKWELL, II,
Plaintiff,
vs
LOU ANNA K. SIMON, MARK DANTONIO,
Et al
Defendants.

Case No: 1:18-cv-1261
ROUGH DRAFT

VIDEOTAPED DEPOSITION OF MARK JUSTIN DANTONIO,
Taken by the Plaintiff on the 10th of January, 2020, at 110
Michigan St., NW, Grand Rapids, Michigan, at 10:08 a.m.

APPEARANCES:

For the Plaintiff: Mr. Thomas R. Warnicke
Law Offices of Thomas R. Warnicke, PLLC
16291 W. 14 Mile Rd., Ste. 21
Beverly Hills, MI 48025
and
Mr. Andrew A. Paterson, Jr.
Paterson Law Office
2893 E. Eisenhower Pkwy.
Ann Arbor, MI 48108

For Defendants Davis and Miller: Mr. Paul McCarthy
Rhoades McKee, PC
55 Campau Ave. NW, Ste. 300
Grand Rapids, MI 49503

For Defendants Simon Dantonio and Hollis: Mr. William B. Forrest, III
and
Mr. Thomas G. Kienbaum
Kienbaum Hardy Viviano
280 N. Woodward, Ste. 400
Birmingham, MI 48009

Also Present Mr. Curtis Blackwell
Ms. Tara Hamilton

Reported by
Michele A. Toth
CSR-2702 RPR

ROUGH DRAFT

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1 THE VIDEOGRAPHER: We're on the record. This is
00:04:32 2 the video deposition of Mark Dantonio being taken at 110
00:04:36 3 Michigan Street, Northwest, Grand Rapids, Michigan.

00:04:40 4 Today is Friday, January the 10th, year 2020, the
00:04:42 5 time is 10:07:14 a.m. my name is David B. Schafer video
00:04:48 6 technician, notary public for the County of Wayne.

00:04:50 7 Will the attorneys please introduce yourselves for
00:04:52 8 the record.

00:04:52 9 MR. WARNICKE: Tom Warnicke for Plaintiff Curtis
00:04:54 10 Blackwell.

00:04:56 11 MR. FORREST: Will Forrest on behalf of Defendants
00:05:02 12 Simon, Dantonio and Hollis. With me is my law partner
00:05:04 13 Tom Kienbaum.

00:05:06 14 MR. MCCARTHY: Paul McCarthy on behalf of MSU
00:05:06 15 Detectives Chad Davis and Sam Miller.

00:05:06 16 MR. PATERSON: Andrew Paterson on behalf of Curtis
00:05:06 17 Blackwell.

00:05:16 18 THE VIDEOGRAPHER: Madam Court Reporter, would you
00:05:16 19 please swear in the witness.

00:05:16 20 (Witness sworn)

00:05:26 21 THE VIDEOGRAPHER: You may proceed.

22 MARK JUSTIN DANTONIO,
23 called as a witness by the Plaintiff herein, having been first
24 duly sworn, was examined and testified as follows:
25

DIRECT EXAMINATION

2 BY MR. WARNICKE:

00:05:30 3 Q Good morning, Mr. Dantonio, how are you today?

00:05:30 4 A Good.

00:05:30 5 Q My name is Tom Warnicke, I represent Curtis Blackwell in
00:05:34 6 his lawsuit pending here in the United States District
00:05:36 7 Court, Western District of Michigan.

00:05:40 8 Could you please state and spell your full name for
00:05:44 9 the record?

00:05:44 10 A Mark M-A-R-K, Justin, J-U-S-T-I-N, Dantonio,
00:05:52 11 D-A-N-T-O-N-I-O.

00:05:52 12 Q And have you ever had your deposition taken before
00:05:56 13 today?

00:05:56 14 A No.

00:05:56 15 Q Have you ever testified in any court proceedings?

00:05:58 16 A No.

00:06:02 17 Q I assume that your attorneys have probably explained the
00:06:06 18 process to you, but I need to do it anyway, which is
00:06:08 19 what we do as attorneys starting off the case.

00:06:12 20 Preliminarily, are you under any medication today?
00:06:14 21 Is there any reason that would prevent you from
00:06:18 22 answering my questions to the best of your ability?

00:06:20 23 A No.

00:06:20 24 Q And you understand you're under oath to tell the truth?

00:06:22 25 A Yes.

ROUGH DRAFT

01:29:24 1 Q When did the team come back to Michigan?

01:29:26 2 A Everybody came back -- Most people came back on the team
01:29:32 3 charter, other people came back -- went back to their
01:29:34 4 original places of residence and flew privately.

01:29:38 5 Q Did the team charter come back the day of the game or
01:29:42 6 the next day?

01:29:42 7 A Next day.

01:29:42 8 Q So during that window from Christmas day through the
01:29:46 9 team coming back, do you know if Mr. Blackwell visited
01:29:50 10 any specific recruits that were in California that Mr.
01:29:54 11 Blackwell was looking at?

01:29:54 12 A No, Mr. Blackwell is not permitted to be off campus.

01:29:58 13 Q Okay. So part of his -- And was that true during his
01:30:00 14 entire duration?

01:30:02 15 A Yes he's an off-campus recruiter -- He's an on-campus
01:30:02 16 recruiter.

01:30:06 17 Q Okay. What does that mean? I'm unfamiliar with what
01:30:08 18 that means.

01:30:08 19 A The NCAA designates ten coaches, I believe at that time
01:30:14 20 it might have only been nine, and the head coach to be
01:30:18 21 the only people that were permitted to be off campus
01:30:22 22 recruiting in the school, in the school, to meet with
01:30:26 23 potential recruits.

01:30:28 24 Q Okay. And is there a time period that the NCAA says
01:30:34 25 that these nine or tens coaches are allowed to meet with

01:30:36 1 recruits?

01:30:36 2 A Yes, there's a time period.

01:30:38 3 Q All right. So whatever the time period is -- Do you
01:30:42 4 know what that time period is? Has it stayed the same?

01:30:44 5 A It's varied throughout the years, but the recruiting
01:30:50 6 calendar has evaluation days and it has contact days.
01:30:56 7 Contact days are days that you're allowed to contact.
01:31:00 8 Evaluation days are days that you go into the school.

01:31:08 9 There are dead periods involved in that. Dead
01:31:12 10 periods usually, certainly through the bowl time,
01:31:16 11 certainly through bowl -- the bowl time period where
01:31:22 12 nobody's allowed to be out.

01:31:24 13 Q Okay. On the days that recruiting was allowed on
01:31:30 14 contact days, you could contact a recruit during that
01:31:34 15 time period?

01:31:36 16 A A contact day you're allowed one contact a week.

01:31:38 17 Q One contact a week, okay. And was Mr. Blackwell ever
01:31:42 18 allowed to be that person that contacted the recruit?

01:31:46 19 A No.

01:31:46 20 Q Then on the evaluation days, I think you said that was
01:31:48 21 when a coach would go into a school?

01:31:52 22 A Coach go into a school.

01:31:54 23 Q And that would be the recruit's high school or whatever
01:31:56 24 he was going to?

01:31:58 25 A Recruit's high school.

01:31:58 1 Q Okay. Was Mr. Blackwell in his position not allowed to
01:32:04 2 do contact days or evaluation days?

01:32:06 3 A Correct.

01:32:18 4 Q And that was through the duration of his employment?

01:32:22 5 A Yes.

01:32:26 6 Q But you said he could do on-campus recruiting?

01:32:30 7 A He can do on-campus recruiting.

01:32:34 8 Q What's do on-campus recruiting mean?

01:32:36 9 A When an individual prospective player and his family
01:32:40 10 would come onto campus, and that was primarily one of
01:32:44 11 the biggest roles that he had, he would watch practice
01:32:48 12 with them, I don't want to use the word entertain, but
01:32:54 13 he would show him around the campus, make sure they had
01:32:58 14 people giving a campus tour, he would give a campus
01:33:00 15 tour, make sure that they're being shown the relative
01:33:04 16 things that we're trying to show a recruit. He would be
01:33:14 17 able to sit and talk with them as well. So primary
01:33:18 18 role.

01:33:20 19 Q When the off-campus recruiting happens, it's within the
01:33:28 20 recruiting period of time allowed to do it, your nine or
01:33:32 21 ten assistant coaches are allowed to do it?

01:33:34 22 A Correct. And the head coach.

01:33:36 23 Q Do those assistant coaches ever do the recruiting visits
01:33:42 24 without you being present?

01:33:42 25 A Yes.

01:33:42 1 Q And there are some occasions that you're also present?

01:33:44 2 A I'm allowed to see one player one time.

01:33:44 3 Q Okay. All right.

01:33:48 4 A Over the course of the recruiting calendar I can see one

01:33:52 5 player one time.

01:33:54 6 Q Okay. Are there any limitations how many times a

01:33:56 7 recruit can visit on campus?

01:33:58 8 A Not officially. Officially there are, one time.

01:34:04 9 Q Were you ever present during Curtis Blackwell's

01:34:08 10 employment to observe him and how he interacted with a

01:34:10 11 potential recruit --

01:34:12 12 A Yes.

01:34:12 13 Q (Continuing) -- and their family? How did you perceive

01:34:16 14 him to do with respect to his job in that role?

01:34:18 15 A Very well.

01:34:20 16 Q Was that consistent throughout his entire employment

01:34:24 17 that you thought he did very well in that role?

01:34:26 18 MR. FORREST: In the role of meeting with

01:34:28 19 individual players?

01:34:28 20 BY MR. WARNICKE:

01:34:30 21 Q Meeting with individuals players on campus?

01:34:32 22 A Yes.

01:34:34 23 Q Do you know if Curtis Blackwell at any time during his

01:34:36 24 employment at Michigan State University ever accompanied

01:34:40 25 or went with Michigan State University assistant coaches

01:34:42 1 on any off-campus recruiting visits?

01:34:46 2 A I can't recall that. If he did, I would believe it
01:34:50 3 would be as he went me. He wasn't able to go into the
01:34:54 4 school.

01:34:56 5 Q You said you believe it would have been when he went
01:34:58 6 with you. Do you recall occasions that you and Curtis
01:35:02 7 Blackwell went on on-campus recruiting visits?

01:35:06 8 A When you say on-campus --

01:35:08 9 Q I mean -- I misspoke. Do you recall occasions when you
01:35:10 10 and Curtis Blackwell went on off-campus recruiting
01:35:14 11 visits?

01:35:14 12 A As you said earlier, he would drive me at times or I
01:35:16 13 would drive him, one or the two, and he would sit in the
01:35:20 14 car while I went into the school.

01:35:24 15 Q Did he ever go with you to visit any recruits at their
01:35:28 16 homes?

01:35:28 17 A No.

01:35:28 18 Q Would that be a violation of NCAA rules?

01:35:32 19 A Yes.

01:35:36 20 Q Now I'm many almost done with the Rose Bowl in 2014.

01:35:44 21 Did Michigan State have practices that they were allowed
01:35:46 22 to do on the Rose Bowl field before the game?

01:35:48 23 A Not at the Rose Bowl, It was a practice facility.

01:35:52 24 Q Practice facility? Okay. Was Curtis Blackwell, would
01:35:54 25 he be on the field during those practices or was there

03:19:12 1 Q Okay. And when the second contract expired after the
03:19:18 2 second year, did you have the authority to enter into
03:19:20 3 the contract for his third year employment?

03:19:24 4 A Yes, as far as -- as long as -- as long as things didn't
03:19:28 5 become more complicated from an administrative
03:19:34 6 situation. That would be with everybody, that's not
03:19:36 7 just Mr. Blackwell, as long as there was no issues with
03:19:40 8 other things going on our department.

03:19:40 9 THE JUDGE: Excuse me again. Gentlemen, just a
03:19:40 10 reminder, and lady, I have to leave at 4, so you are
03:19:50 11 going to have to be finished or get along after that. I
03:19:50 12 understand you're doing fine.

03:19:50 13 MR. FORREST: Not so bad.

03:19:50 14 THE JUDGE: Take care.

03:19:54 15 MR. FORREST: Thanks again, Judge.

03:20:04 16 BY MR. WARNICKE:

03:20:04 17 Q Can I draw your attention to the answer in Exhibit No.
03:20:12 18 2 --

03:20:12 19 A Yeah.

03:20:14 20 Q (Continuing) -- Paragraph 30?

03:20:16 21 A Paragraph 30.

03:20:18 22 Q It's on page 9 at the very top.

03:20:24 23 A Okay.

03:20:26 24 Q The -- Paragraph 30, the allegation in the complaint is
03:20:28 25 that "Each year that Defendants Dantonio and Hollis

07:15:36 1 A I can't recall.

07:15:38 2 Q Do you know somebody named Bob Skandalaris?

07:15:42 3 A Yes.

07:15:42 4 Q His name's on the football building?

07:15:44 5 A Yes.

07:15:46 6 Q Is he a booster?

07:15:46 7 A He's a donor.

07:15:48 8 Q Donor? Do you remember during Mr. Blackwell's
07:15:54 9 employment that you directed him to talk to Bob

07:16:00 10 Skandalaris to --

07:16:00 11 A I did not direct him to talk to Bob Skandalaris.

07:16:02 12 Q It's your testimony that you never directed him to talk
07:16:04 13 to Bob Skandalaris?

07:16:04 14 A I did not direct him to talk to Bob Skandalaris. Bob
07:16:08 15 Skandalaris is around our program, all of our coaches
07:16:10 16 know him.

07:16:16 17 Q And did you ever direct Mr. Blackwell to inquire of
07:16:20 18 getting [REDACTED] mother a job through Bob
07:16:24 19 Skandalaris?

07:16:24 20 A Everything went through Compliance.

07:16:28 21 Q Do you know if [REDACTED] mom ever worked for Bob
07:16:32 22 Skandalaris or any of his companies?

07:16:32 23 MR. FORREST: Objection, relevance.

07:16:36 24 MR. McCARTHY: This has nothing to do with this
07:16:36 25 lawsuit. You have a Fifth Amendment claim.

07:16:38 1 BY THE WITNESS:

07:16:38 2 A Yes, she did, authorized by Compliance.

07:16:38 3 BY MR. WARNICKE:

07:16:50 4 Q Did you have any resentment toward Curtis Blackwell
07:16:58 5 regarding any pushback he gave you with respect to that
07:17:00 6 situation?

07:17:00 7 A No.

07:17:02 8 Q Did you have any resentment towards Curtis Blackwell
07:17:08 9 regarding any pushback he gave you regarding [REDACTED]
07:17:08 10 [REDACTED]?

07:17:10 11 A [REDACTED]? No.

07:17:16 12 Q Did you ever ask Mr. Blackwell to get a job for [REDACTED]
07:17:22 13 [REDACTED] dad through Bob Skandalaris?

07:17:24 14 A No.

07:17:24 15 MR. FORREST: Objection, relevance. And again,
07:17:28 16 what does any of this have to do with any claim in this
07:17:32 17 case?

07:17:34 18 MR. WARNICKE: I think it's differences -- It's
07:17:36 19 differences of opinion, going in a different direction,
07:17:38 20 philosophical differences.

07:17:40 21 THE WITNESS: Let me answer, I'll answer.

07:17:42 22 A All of these -- All of these have been vetted through
07:17:46 23 Compliance. Compliance authorized -- Everything went
07:17:52 24 through NCAA rules.

07:17:52 25

07:17:52 1 BY MR. WARNICKE:

07:18:02 2 Q The suspension of Mr. Blackwell, Mr. Hollis's letter
07:18:04 3 said that he was being suspended due to serious
07:18:06 4 allegations pending the investigation. Do you recall
07:18:08 5 that?

07:18:08 6 MR. FORREST: Objection, form. If you want him to
07:18:12 7 look at a document, that's fine.

07:18:12 8 MR. WARNICKE: Why don't we get it out then.

07:18:16 9 MR. FORREST: Going back to this? You've already
07:18:26 10 asked him if he had any role in drafting it.

07:18:28 11 MR. WARNICKE: I know, so I'm not going to ask him
07:18:30 12 that.

07:18:32 13 MR. FORREST: So what could you possibly get from
07:18:34 14 him? This is Exhibit 11?

07:18:42 15 MR. WARNICKE: Yeah.

07:18:48 16 Q Do you understand what those serious allegations that
07:18:50 17 were being referred to were?

07:18:52 18 A No.

07:18:54 19 Q Did you ever communicate in any way that Mr. Blackwell
07:18:58 20 was being accused of obstructing an investigation?

07:19:00 21 A No.

22 Q The --

23 (Brief interruption)

24 MR. FORREST: Come in.

25 UNIDENTIFIED PERSON: The judge told me she told

1 you guys you had to leave by 5?

2 MR. FORREST: Yes, she did. What time is it? Time
3 to go?

4 UNIDENTIFIED PERSON: Time to go. The doors lock
5 at 5:30.

6 MR. FORREST: Okay.

07:19:30 7 MR. WARNICKE: Let's just wrap up on the record.
07:19:32 8 I -- We were continuing on so I can try to finish. I
07:19:36 9 think I'm close to being done, but I do have some other
07:19:40 10 items that I wanted to go through.

07:19:42 11 I know the Court said I could have the full seven
07:19:44 12 hours. Consistent with that, given that we haven't
07:19:48 13 finished, I would reserve my right to finish the
07:19:50 14 deposition pursuant to the allocated time from the
07:19:54 15 Court.

07:19:58 16 MR. KIENBAUM: I suggest you file a motion if
07:19:58 17 that's your desire.

07:20:00 18 MR. WARNICKE: So you won't agree to produce him
07:20:00 19 for the rest of the time --

07:20:00 20 MR. FORREST: What's your topics that you want --

07:20:02 21 MR. WARNICKE: I need to file a motion?

07:20:02 22 MR. KIENBAUM: Tom --

07:20:04 23 MR. WARNICKE: I just want to make it clear, I'm
07:20:04 24 not going to argue.

07:20:06 25 MR. KIENBAUM: You seem to have an understanding

07:20:06 1 that you get seven hours, and you can have a witness
07:20:08 2 read the newspaper into the record. No. You have
07:20:14 3 seven -- up to seven hours for relevant inquiries. You
07:20:16 4 haven't been making six hours worth of relevant
07:20:20 5 inquiries.

07:20:22 6 MR. WARNICKE: I just want to know if you're going
07:20:22 7 to voluntarily produce him --

07:20:26 8 MR. KIENBAUM: No.

07:20:26 9 MR. WARNICKE: (Continuing) -- or if we'll need to
07:20:26 10 file a motion.

07:20:28 11 MR. KIENBAUM: You'll need to file a motion.

07:20:30 12 THE VIDEOGRAPHER: Going off the record at 5:23:01.

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